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09/534,592	03/27/2000	Rabindranath Dutta	AUS000003US1	4528

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Intellectual Property Law  
P.O Box 969  
Austin, TX 78767-0969

EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/13/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/534,592

Applicant(s)

DUTTA, RABINDRANATH

Examiner

Thu Ha T. Nguyen

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims **1-24** are presented for examination.

#### **Response to Arguments**

2. In view of the Appeal Brief filed on April 26, 2004, the final action is withdrawn and PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

#### **Specification**

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Art Unit: 2155

### Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 recites the limitation "the content server" in lines 5, 6, 8, and 10.

Claim 9 recites the limitation "the content server" in lines 16, 17, 19, and 21. Claim 17 recites the limitation "the content server" in lines 3, 4, 6, and 8. There is insufficient antecedent basis for this limitation in the claim. Likewise, the same recites limitation "the content server" from the other dependent claims are also lack of antecedent basis. Appropriate correction is required.

### Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 7-11, 15-19 and 23-24 are rejected under 35 U.S.C. § 103

(a) as being unpatentable over **Buckland** U.S. Patent No. **5,999,971**, in view of

**Brendel et al.**, (hereinafter **Brendel**) U.S. Patent No. **5,774,660**.

9. As to claim 1, **Buckland** teaches the invention substantially as claimed, comprising a method of: determining whether the client's request to receive a file from the content server originated as a reference from the load distribution server or as a reference from the content server itself (abstract, figure 2, col. 2, lines 15-32, col. 6, lines 1-24 – first, second and Nth network sites (200, 202, 204) read as content server); and responsive to determining that the client's request to receive the file from the content server did not originate as the reference from the load distribution server or as the reference from the content server itself, sending to the client a file requesting that the client contact the load distribution server (abstract, figures 2-3, col. 6, lines 25-37). **Buckland** implicitly teaches network site (200, 202, 204) redirects command (read as file requesting) to client to redirect and contact control network site (207). The control network site implicitly read as load distribution server because it works the same function as receiving the redirected message from content server. However, in order to emphasize and support more about load distribution server, **Brendel**, in the same field of endeavor, teaches the load balancer (70) does the same function as load distribution server (see figures 8, 19, col. 10, lines 38-53). One of ordinary skill in the Data Processing art would have motivation to modify control network site (207) of **Buckland** to include load balancer (i.e. load distribution server) as teaching by **Brendel**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would recognize to include the load balancer (i.e. load distribution

server) because it would provide an efficient communications system that improve and reduce traffic load between servers.

10. As to claim 2, **Buckland** teaches the invention substantially as claimed, further comprising: responsive to determining that the request to receive the file from the content server did originate as the reference from the load distribution server or as the reference from the content server itself, sending to the client the file requested (abstract, col. 6, lines 25-37).

11. As to claim 3, **Buckland** teaches the invention substantially as claimed, further comprising: including in the file requesting that the client contact the load distribution server a means by which the client may directly contact the load distribution server through an initiative of a user of the client (figures 2-3, col. 6, lines 25-37).

12. As to claim 7, **Buckland** teaches the invention substantially as claimed, further comprising: including in the file requesting that the client contact the load distribution server a means by which the client will contact the load distribution server without intervention of the user (figures 2-3, col. 6, lines 35-67). **Buckland** teaches that a redirect command (i.e. file requesting) automatically sends to browser and instructs control network site (207) to process the command and sends it to network site (200, 202, 204). It would have been obvious to one skill in the art that the redirect command automatically instructs browser to contact control network site without user intervention.

13. As to claim 8, **Buckland** teaches the invention substantially as claimed, further comprising: including in the file requesting that the client contact the load distribution server a means by which to allow the user of the client sufficient time to read and react to the file requesting that the user of the client contact the load distribution server before contact with the load distribution server is established without intervention of the user (figures 2-3, col. 6, lines 35-67). It would be obvious to one of ordinary skill in the art that when a user experiences a redirect from one page to another by asking the user to click on a link or by means of automatic redirection. It may leave a page on server to notify user whoever access to that page that the name has changed or moved so that means it has to give the user sufficient time to read and react with that notify.

14. As to claim 9, **Buckland** teaches the invention substantially as claimed, including a computer program product comprising: instructions for determining whether the client's request to receive a file from the content server originated as a reference from the load distribution server or as a reference from the content server itself (abstract, figure 2, col. 2, lines 15-32, col. 6, lines 1-24 – first, second and Nth network sites (200, 202, 204) read as content server); and instructions for, responsive to determining that the client's request to receive the file from the content server did not originate as the reference from the load distribution server or as the reference from the content server itself, sending to the client a file requesting that the client contact the

Art Unit: 2155

load distribution server (abstract, figures 2-3, col. 6, lines 25-37). **Buckland** implicitly teaches network site (200, 202, 204) redirects command (read as file requesting) to client to redirect and contact control network site (207). The control network site implicitly read as load distribution server because it works the same function as receiving the redirected message from content server. However, in order to emphasize and support more about load distribution server, **Brendel**, in the same field of endeavor, teaches the load balancer (70) does the same function as load distribution server (see figures 8, 19, col. 10, lines 38-53). One of ordinary skill in the Data Processing art would have motivation to modify control network site (207) of **Buckland** to include load balancer (i.e. load distribution server) as teaching by **Brendel**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would recognize to include the load balancer (i.e. load distribution server) because it would provide an efficient communications system that improve and reduce traffic load between servers.

15. As to claim 17, **Buckland** teaches the invention substantially as claimed, including a system comprising: means for determining whether the client's request to receive a file from the content server originated as a reference from the load distribution server or as a reference from the content server itself (abstract, figure 2, col. 2, lines 15-32, col. 6, lines 1-24 – first, second and Nth network sites (200, 202, 204) read as content server); means for, responsive to determining that the client's request to receive the file from the content server did not originate as the reference from the load



Art Unit: 2155

distribution server or as the reference from the content server itself, sending to the client a file requesting that the client contact the load distribution server (abstract, figures 2-3, col. 6, lines 25-37). **Buckland** implicitly teaches network site (200, 202, 204) redirects command (read as file requesting) to client to redirect and contact control network site (207). The control network site implicitly read as load distribution server because it works the same function as receiving the redirected message from content server. However, in order to emphasize and support more about load distribution server, **Brendel**, in the same field of endeavor, teaches the load balancer (70) does the same function as load distribution server (see figures 8, 19, col. 10, lines 38-53). One of ordinary skill in the Data Processing art would have motivation to modify control network site (207) of **Buckland** to include load balancer (i.e. load distribution server) as teaching by **Brendel**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would recognize to include the load balancer (i.e. load distribution server) because it would provide an efficient communications system that improve and reduce traffic load between servers.

16. Claims 10-11, 15-16, 18-19, and 23-24 have similar limitations as claims 2-3, and 7-8; therefore, they are rejected under the same rationale.

17. Claims 4-6, 12-14, and 20-22 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Buckland and Brendel**, in view of **Subramaniam et al.**, (hereinafter Subramaniam) U.S. Patent No. **6,640,302**.

18. As to claim 4, **Buckland and Brendel** teach the step of offering in the file requesting that the client contact the load distribution server as substantially claimed in claim 1, above. However, **Buckland and Brendel** does not explicitly teach a means to update a bookmark file to include the load distribution server. **Subramaniam** teaches a redirect request sends from target server 104 through external client 112 to border server 106 and has conventional capabilities to automatically redirect client when a web site has moved, that is, the URL for the web site has changed (figure 2, col. col. 6, lines 47-col. 8, lines 28). It would have been obvious to one of ordinary skill in the art that the conventional redirect request/URL is when a user experiences a redirect from one page to another by asking the user to click on a link, update bookmark or by means of automatic redirection to a page that has changed/moved (i.e. load distribution server). Therefore, it would have been obvious to one skill in the art at the time of the invention was made to combine the teaching of **Buckland, Brendel and Subramaniam** to include a means to update bookmark to include the load distribution server it would provide an efficient communications system that can keep track and notify redirecting/changing/ moving of URLs for a Web site so that the user can be notified and update bookmark of the changed URL.

19. As to claim 5, **Buckland and Brendel** teach the step of offering in the file requesting that the client contact the load distribution server as substantially claimed in claim 1, above. However, **Buckland and Brendel** does not explicitly teach a means to

update the bookmark file to exclude the content server. **Subramaniam** teaches a conventional redirect request that when a user experiences a redirect from one page to another by asking the user to click on a link, update bookmark or by means of automatic redirection to a page that has changed/moved (i.e. load distribution server) and not the previous page (figure 2, col. 6, lines 47-col. 8, lines 28). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Buckland, Brendel and Subramaniam** to have the same motivation as set forth in claim 4.

20. As to claim 6, **Subramaniam** teaches the invention substantially as claimed further comprising the means to update the client's bookmark file to include the load distribution server a means to update the bookmark file to exclude the protected server (figure 2, col. 6, lines 47-col. 8, lines 28). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Buckland, Brendel and Subramaniam** to have the same motivation as set forth in claim 4.

21. Claims 12-14 and 20-22 have similar limitations as claims 4-6 therefore; they are rejected under the same rationale.

**Conclusion**

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892 attached). Applicants are requested to consider these prior art references when responding to this office action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703) 305-7447. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached at (703) 308-6662.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Thu Ha Nguyen

July 1, 2004

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**